

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
No. 5:11-CV-470-F

AMERICAN CIVIL LIBERTIES UNION )  
OF NORTH CAROLINA, )  
DEAN DEBNAM, )  
CHRISTOPHER HEANEY, )  
SUSAN HOLLIDAY, CNM, MSN, and )  
MARIA MAGHER, )

Plaintiffs, )

v. )

ANTHONY TATA, in his official capacity )  
as Secretary of North Carolina Department )  
of Transportation, )  
JAMES FORTE, in his official capacity as )  
Commissioner of the North Carolina )  
Division of Motor Vehicles, and )  
MICHAEL GILCHRIST, in his official )  
capacity as Colonel of the North Carolina )  
State Highway Patrol, )

Defendants. )

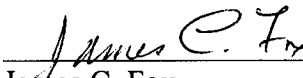
**ORDER**

This matter is before the court on the Motion for Stay of Plaintiffs' Supplemental Motion for Attorneys' Fees and Costs and Motion to Supplement Pending Appeal [DE-78] filed by Defendants Anthony Tata and James Forte, in their official capacities as Secretary of the North Carolina Department of Transportation and Commissioner of the North Carolina Division of Motor Vehicles, respectively. Defendants seek the stay of Plaintiffs' Supplemental Motion for Attorneys' Fees and Costs and Motion to Supplement [DE-75] pending the Defendants' appeal of an adverse decision of the United States Court of Appeals for the Fourth Circuit, filed February 11, 2014. Defendants indicate that Plaintiffs do not object to the motion to stay.

Because the Supplemental Motion for Attorney's Fees and Costs and Motion to Supplement [DE-75] appears to supersede Plaintiffs' earlier Motion for Attorney Fees and Costs and Motion to Supplement [DE-62], the previous motion is DENIED without prejudice as MOOT. Defendants' unopposed Motion for Stay [DE-78] is ALLOWED, and the Plaintiffs' Motion for Attorneys' Fees and Costs [DE-75] is hereby STAYED. Defendants are to promptly notify opposing Counsel and this Court of a decision not to appeal and respond to the instant Motion within ten (10) days of said decision. In the event the United States Supreme Court denies Defendants' Certiorari Petition, Defendants shall respond to the instant Motion within ten (10) days of said denial.

SO ORDERED.

This the <sup>th</sup>16 day of March, 2014.

  
\_\_\_\_\_  
James C. Fox  
Senior United States District Judge